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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/660,783	09/12/2003	Werner Honegger	P56949	5861				
7590 Robert E. Bushnell Suite 300 1522 K Street, N.W. Washington, DC 20005		05/22/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">MORRISON, THOMAS A</td></tr></table>		EXAMINER		MORRISON, THOMAS A	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/660,783	Applicant(s) HONEGGER, WERNER	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) 48-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. New claims 32-47 appear to correspond with previously presented claims 1-16, while new claims 48-62 appear to correspond with previously presented claims 17-31. A restriction requirement was included in the Office Action mailed on 1/27/06. Such restriction requirement was then made final in the Office Action mailed on 5/30/06, and claims 17-31 were withdrawn from further consideration as being drawn to the non-elected invention. Since new claims 48-62 appear to correspond to previously presented claims 17-31, which were previously withdrawn from further consideration as being drawn to the non-elected invention, new claims 48-62 have likewise been withdrawn from further consideration in this Office Action. New claims 32-47 have been examined in this Office Action.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 32-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites the limitation "the leading lower edge" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

In claim 32, it is unclear what is meant by the recitation "**erecting the flexible objects** during said product feed along the guide into obliquely standing positions with

leading upper edges of the flexible objects exhibiting inclinations opposite to orientations of the flexible objects **when initially erected**". (emphasis added). If you are in the process of erecting the flexible objects, how do you change the orientation of the flexible objects relative to when the objects are initially erected?

In claim 32, it is unclear what is meant by the recitation "accommodating separation of the flexible objects from the obliquely standing positions with leading upper edges of the flexible objects exhibiting inclinations opposite to orientations of the flexible objects **when erected**" (emphasis added). Does the recited "when erected" refer back to the previously recited "erecting the flexible objects" in line 8 of claim 32 or the previously recited "when initially erected" in line 10 of claim 32?

Regarding claim 33, it is generally unclear what is meant by the recitation "comprised of the flexible objects during said advance of the flexible objects over the surface of the guide the flexible objects are continuously rotated from the orientation of the flexible objects in said obliquely standing position **is inclined opposite to orientation of the flexible objects when erected.**" (emphasis added).

Claim 36 recites the limitation "the rotation of the flexible objects" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "said rotation" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 37 if the recited "contributing to said rotation" is somehow referring to the erecting step or the accommodating separation step previously recited in claim 32.

Claim 38 recites the limitation "said rotation" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 38 if the recited "contributing to said rotation" is somehow referring to the erecting step or the accommodating separation step previously recited in claim 32.

Claim 39 recites the limitation "said rotation" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 39 if the recited "contributing to said rotation" is somehow referring to the erecting step or the accommodating separation step previously recited in claim 32.

Claim 44 recites the limitation "said separation of individual flexible objects or groups of the flexible objects" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32-33, 37, 39-47, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,180,259 (Bewersdorf et al.).

Regarding claim 32, as best understood, Figs. 5-7 disclose a method for processing and separating flexible, flat objects during product feed, comprised of:

continuously feeding flexible objects (LM) to a transfer module (Fig. 6) in an essentially regular imbricate formation as the flexible objects (LM) fluently advance along a guide (41) within the transfer module (Fig. 6) with leading lower edges of the flexible objects supported on a surface of the guide (41) and with a trailing edge of each flexible object (LM) lying over the leading lower edge of a subsequent flexible object (LM)(See e.g., Fig. 5 for the orientation of the flexible objects);

erecting the flexible objects (LM) during the product feed along the guide (41) into obliquely standing positions with leading upper edges of the flexible objects (LM) exhibiting inclinations opposite to orientations of the flexible objects (LM) when initially erected (see e.g., Fig. 6 for orientation of flexible objects during feed); and

accommodating separation of the flexible objects (LM) from the obliquely standing positions with leading upper edges of the flexible objects (LM) exhibiting inclinations opposite to orientations of the flexible objects (LM) when erected, in a defined number from the flexible objects (LM) remaining supported by the guide (41), and conveyance away (Figs. 6-7) from the transfer module (Fig. 6) by a conveyor (including 44)(see e.g., Fig. 6 for orientation of flexible objects during separation).

Regarding claim 33, as best understood, Figs. 5-6 disclose comprised of the flexible objects (LM) during the advance of the flexible objects (LM) over the surface of the guide (41) the flexible objects (LM) are continuously rotated from the orientation of the flexible objects (LM) in the obliquely standing position is inclined opposite to orientation of the flexible objects (LM) when erected.

Regarding claim 37, as best understood, Figs. 5-6 disclose comprised of contributing to the rotation by sequentially urging upper edges of the flexible objects (LM) in a direction of the advance.

Regarding claim 39, as best understood, Figs. 5-6 disclose comprised of contributing to the rotation by terminating the guide (41) with an abutment (including 42) oriented outwardly from the guide (41) in a direction of the advance.

Regarding claim 40, Figs. 5-6 disclose that a surface of the guide (41) comprises at least two sections with different surface inclinations.

Regarding claim 41, Figs. 5-6 disclose the guide (41) having a downward inclination along a direction of the advance of more than 30°.

Regarding claim 42, as best understood, Figs. 3 and 5-6 disclose that the guide (41) comprises guide elements (200) providing regional acceleration and braking of the flexible objects (LM).

Regarding claim 43, Figs. 3 and 6 disclose the transfer module (Fig. 6) having an abutment (including 190) adjustably positionable relative to the guide (41).

Regarding claim 44, Figs. 5-6 disclose a separator (including 56 and 44) disposed in proximity to the guide (41) to make the separation of individual flexible objects (LM) or groups of the flexible objects (LM).

Regarding claim 45, Figs. 3 and 6 disclose the transfer module (Fig. 6) comprising a plurality of movable elements (200) conveying the flexible objects (LM) in a direction of the advance.

Regarding claim 46, Figs. 3 and 6 disclose the transfer module (Fig. 6) comprising a transverse shift (including 198) disposed to transversely displace the flexible objects (LM) obliquely standing within a terminal portion of the guide (41).

Regarding claim 47, Figs. 5-6 and 9-10 disclose a retainer (including 88 and 76) disposed above the guide (41) to act upon free edges of the objects (LM). See e.g., Fig. 6 for device acting on free edges of the objects.

#### ***Allowable Subject Matter***

4. Claims 34-36 and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 3653

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/10/2007



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